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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,784	01/16/2002	Bahadir Erimli	95-507	2631
20736	7590	06/05/2007	EXAMINER	
MANELLI DENISON & SELTER			DIVECHA, KAMAL B	
2000 M STREET NW SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036-3307			2151	
MAIL DATE	DELIVERY MODE			
06/05/2007	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/046,784	ERIMLI, BAHADIR
	<b>Examiner</b>	<b>Art Unit</b>
	KAMAL B. DIVECHA	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application                         |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

**DETAILED ACTION**

Claims 1-10 are pending in this application.

Claims 8-10 are newly added claims.

**Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on February 27, 2007 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2007 has been entered.

**Response to Arguments**

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1 recites:**

A method in a channel adapter configured for communications with a server network system, the method comprising:  
first storing by the channel adapter, in a table configured for storing multiple entries, an entry having a work queue entry field that specifies a transmitted work queue entry in response to completed transmission by the channel adapter into the server network system of a corresponding transmit packet associated with the transmitted work queue entry, the entry including at least first and second link fields each configured for referencing another entry in the table, the first storing step of the entry including storing in the first link field a first entry identifier for one of the transmitted work queue entry or a subsequently transmitted work queue entry having a corresponding transmit packet transmitted by the channel adapter into the server network system relative to the transmitted work queue entry, wherein the first entry identifiers in the respective first link fields form a first linked list specifying a transmit sequence of the transmitted work queue entries having respective transmit packets transmitted by the channel adapter into the server network system;

detecting by the channel adapter an acknowledgement from the server network system for at least a first of the transmitted work queue entries stored in the table; and

generating in the table, by the channel adapter, a second linked list specifying an acknowledgement sequence of the transmitted work queue entries by second storing, in the second link field of the entry corresponding to the first transmitted work queue entry, a second entry identifier-in response to the detecting of the acknowledgement, the second entry identifier specifying one of the first transmitted work queue entry or an entry having received a subsequent acknowledgement relative to the detected acknowledgement.

The term “another entry” in the claim is indefinite because it is unclear which one of the multiple entries the term is referring to, i.e. the table is configured for storing multiple entries including transmitted work queue entries and the entries corresponding to detected acknowledgements, and it is unclear which one of these entries is corresponding to the term “another”.

**Claim 4 recites:**

The method of claim 1, wherein the detecting of the acknowledgement includes detecting the acknowledgement according to Infiniband™ protocol.

Claim 4 is rendered indefinite because of the usage of trademark in the context of the claim.

It seems that the claim is using the trademark to identify an Infiniband protocol, thus enabling the scope of the claim uncertain since the trademark cannot used properly to identify any particular material or product. See MPEP 2173.05 (u).

Applicant is advised to take appropriate action.

### **Claim Rejections - 35 USC § 101**

The 35 U.S.C. 101 rejection presented in the previous office action has been withdrawn due to inclusion of a positive recitation of a hardware element.

### **Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,085,869 B1 ('869 Patent) in view of Kagan et al. (hereinafter Kagan, US 6,735,642 B2).

As per claim 1 and 5, '869 Patent the process in a host channel adapter comprising the data structure as claimed in claim 1 of present application, comprising storing entries in a table for transmitted work queue entries or packets requiring an acknowledgement within a time interval or tracking the acknowledgement by acknowledgement waiting bit (see claim 1, 7 of '869, fig. 2 item #20).

However, '869 Patent does not disclose implementing the process using the linked-list.

Kagan explicitly discloses the process of organizing the work items in a memory using the linked list (col. 1 L15-61, fig. 2, col. 7 L29-67).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify '869 Patent in view of Kagan (specifically in view of Linked-List) in order to configure the table storing the entries using the linked-list.

One of ordinary skilled in the art would have been motivated because link-list is well known in the art for organizing the data structure in the memory (Kagan, col. 1 L23-31).

Claim 3, 4 and 8-10 of present application are similar to claims 1, 8 and 13 of '869 Patent.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kamal Divecha  
Art Unit 2151  
May 29, 2007.

  
ZARNI MAUNG  
SUPPLYING PATENT EXAMINER